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## MICHIGAN

# 'It's sickening': Ex-Detroit Athletic Club employee has history of alleged misconduct

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A former high-ranking employee of the Detroit Athletic Club, now being sued for allegedly sexually harassing a photographer, was accused about five years earlier of inappropriate behavior directed at two female employees, according to deposition testimony obtained by the Free Press.

But Kenneth Voyles, the club's communications director, was not disciplined and it appears no record was made of concerns a former assistant manager says he brought to the executive general manager, according to testimony in a lawsuit brought by Detroit area photographer Cybelle Codish.

Codish, 44, sued the upscale downtown Detroit business and social club in December, alleging that Voyles, who is married and in his 60s and supervised her photographic assignments as editor of the club's monthly DAC News, harassed her in 2017 and 2018 with invitations to meet for drinks, personal notes, text messages, emails, poetry and gifts.

"You are a wonder to me ... the sweet aura of your aurora," Voyles told Codish in one of several handwritten notes he sent her.

The members-only club severely cut back her photo assignments — worth tens of thousands of dollars a year — after she enlisted a longtime member to confront Voyles and tell him to back off, in July 2018, and ultimately complained to then-DAC executive manager Ted Gillary and said she feared Voyles, early in 2019, Codish testified.

According to new testimony in the case in Wayne County Circuit Court:

Former executive assistant manager Andre Halston said that in 2013 he saw Voyles sitting on the desk of DAC creative director Amy Wren Miller with his crotch at her eye

level and within about a foot of Miller's face. Miller turned away in disgust, so that Voyles could not see her reaction, and after Voyles left the room she told Halston that it "happens all the time and it's sickening," Halston testified Aug. 20, according to a deposition transcript.

Halston confronted Voyles after he watched him have Miller and another young female DAC employee each pose for an extensive series of photographs, after which Halston saw Voyles, who did not know Halston was watching, ogle and stare at both women as they walked away from him down a hallway back to their office.

Miller was deposed Tuesday and confirmed Halston's testimony about the photo shoot and Voyles positioning himself at her desk with his crotch close to her face, Codish attorney Jonathan Marko said. She testified that Voyles sexually harassed her but she did not report it because she was new to the workplace and afraid to do so, Marko said.

Halston testified he went to Gillary and told him Gillary needed to suspend, investigate and possibly get rid of Voyles, but nothing was done. "I told him that it quote, it was lecherous," testified Halston, who has worked as a celebrity chef who has appeared on cable TV's Food Network and testified he has prepared meals for several U.S. presidents. Gillary, who retired from the DAC Feb. 1 but testified July 30 he was kept on as a consultant to the club and its nonprofit foundation under two contracts totaling \$100,000 a year, said he did not consider the alleged ogling incident to be inappropriate behavior, but he counseled Voyles to be careful about how his actions might look to others. Gillary was not asked about the alleged "crotch" incident because his deposition took place before Halston testified.

Although Gillary testified he decided to fire Voyles over his conduct with Codish, he testified that he did not consider it sexual harassment. He said that after Codish complained to him in January 2019, he allowed Voyles to return to work after a four-day suspension. Even after Gillary decided to fire Voyles in early February, Gillary testified he instead allowed Voyles to retire as of June 4, 2019, so it would not hurt his chances of finding work elsewhere. Also, records show the DAC continued to pay Voyles up to September for what Gillary described as "transition" work.

The case could be headed to trial after recent mediation failed to resolve it. The suit raises questions about how seriously sexual harassment is regarded at the DAC, which was founded in 1887 and did not accept its first female member until 1986.

"I think that they knew he had a pattern of behavior," Codish said in her July 16 deposition.

Codish's award-winning work has appeared in Rolling Stone and National Geographic, and on the album covers of numerous recording artists, as well as in the Detroit Free Press.

Nitin Paranjpe, a Detroit employment expert retained by Codish's attorney, calculated that Codish's lifetime earning losses as a result of losing her work at the DAC total more than \$1.4 million.

"Defendants canceled all of Cybelle's work when she refused to have sex with Voyles, and then blackballed her completely when she reported Voyles' inappropriate behavior," said Marko, the Detroit attorney representing Codish.

Codish started working for the DAC as a freelancer in 2012 and saw her annual income from the club grow from \$3,700 in 2014 to nearly \$68,000 in 2018, according to records in the case. Things went smoothly until about 2016, when Miller abruptly quit and Codish instead began dealing with Voyles about her photo assignments.

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Evidence in the case includes a May 8, 2018, email Voyles sent to Miller, about two years after she left the DAC, that begins: "This is awkward," and said Voyles was undergoing a transformation and reaching out to people he had wronged. He apologized for how he treated her. Voyles said in his deposition that his apology related to him poorly handling a dispute over a menu design, which almost came to blows, between Miller and another member of the communications team. Miller testified Tuesday she did not feel safe after that disagreement, but that Gillary did not take her concerns seriously.

Voyles testified that after Halston raised his concerns, he met with all four female DAC employees who reported to him — not including Codish, who was not a DAC employee — told them he had been accused of inappropriate behavior, and asked whether any of them felt he had acted inappropriately toward them. None said he had acted inappropriately, he testified.

Like Gillary, Voyles was not questioned about the allegation that he placed his crotch close to Miller's face at her desk because Halston gave his deposition after Voyles gave his.

Halston, who now lives in Alabama, testified he was unhappy about Gillary's inaction when he complained about Voyles, and he regrets not taking the issue to the DAC president, who is the top of the club's hierarchy.

Gillary told him: "Ken's just a bit quirky, so there's really not much to this," Halston testified.

Though Codish was not a DAC employee, evidence in the case shows she was referred to as a "team member" and a "DAC News photographer."

The club, which denies the allegations and has stressed that Codish was never a DAC employee, has also sought to emphasize through attorney questions during depositions that the club continued to offer Codish work after she contacted Gillary. But Codish said she did not feel safe returning because it was not clear the DAC had truly cut its ties with Voyles.

Melinda Balian, a Ferndale attorney representing the DAC, declined to comment. Charles Johnson, who replaced Gillary as DAC executive manager, did not respond to a phone message seeking comment. Voyles could not be reached for comment. Gillary declined to comment. It was not clear Wednesday whether Gillary remains under contract with the DAC.

Voyles first asked Codish to meet offsite at a local bar in December 2017, the suit alleges. He then began asking Codish to meet him at what he referred to as "our bar" more frequently, and as Codish became increasingly uncomfortable, "began manufacturing work-related events, such as team-building exercises," so he could see her more frequently, according to the lawsuit.

Increasingly, Codish testified, she would reply to his requests to meet with, "I'm on a deadline," or "stuck at a last-minute shoot."

"It was an attempt to diffuse the situation that was making me increasingly uncomfortable," Codish said in her deposition.

On July 6, 2018, Codish told Voyles that he was making her uncomfortable, after he started sending gifts to her home, she testified. Voyles was apologetic, she said.

It was also in July 2018 that Codish said she learned about a late April 2018 conversation Voyles had with a DAC employee, after an evening DAC disco event at which alcohol was consumed, in which Voyles commented how good-looking Codish was and said he was going to "do something very bad" and invite her up to his office.

There has been disputing testimony about which would have come first. The employee testified Voyles said he was going to "do something very bad" and invite Codish for a drink. The employee told DAC human resources officials he assumed Voyles wanted "something sexual" from Codish, according to records introduced as a deposition exhibit. Codish testified the employee told her Voyles said he planned to invite her to his office and then "do something very bad."

"In 20 years of being a professional, I have never had this level of intensity and fear," Codish testified.

"I thought absolutely that he was completely capable of attacking me, of potentially raping me."

On July 27, 2018, DAC member James Tignanelli, a lawyer who at the time was an 18-year DAC member, emailed Voyles at Codish's request, saying he understood that stories typically have two sides, so he had decided to be discreet and email Voyles, rather than go to Gillary.

"My line of work has caused me to step in on similar incidents on a number of occasions. They never end well for the person who ignores simple rejections."

A woman Tignanelli did not name "is getting frightened by your refusal to accept her rejections," he wrote.

Voyles emailed Tignanelli back the same day and said: "I am truly distraught, embarrassed and horrified by my actions. You can count on me to never let this happen again and I will seek to being the honest and honorable man I always thought I was."

After that, Codish said Voyles emailed her and canceled future assignments, though after one month, when she emailed to confirm future assignments remain canceled, he restored some of the work and added further assignments.

In September 2018, Voyles emailed Codish saying he was embarrassed and distraught, apologizing and asking her forgiveness, Codish said in her deposition. He also said he hoped they could one day renew their friendship.

"Please for a moment just pretend I'm standing next to you, look into my eyes and see what I have to say," Voyles said in the email.

Codish testified she was offended because Voyles had been told repeatedly not to communicate with her in such a way and she felt the email was an attempt to manipulate her.

"I don't have the career that I had," Codish testified. "I don't have the safety that I had. I don't have anything that I used to have because of one individual."

Gillary testified that he interpreted the discussion Voyles had with a DAC employee about doing "something bad" to mean Voyles "was going to violate his marriage vows" with Codish.

He thought it was inappropriate for Voyles to invite Codish for drinks to discuss work and to keep sending her notes and gifts after Codish asked him to stop.

"The ... notes to me were over the top," Gillary testified. "Now he's professing love it seemed to me to some degree that she was important to him beyond being a photographer. They (the notes) were odd to me. They lost him his job."

But asked flat-out whether he thought Codish had been sexually harassed, Gillary said he did not, and he had no regrets about how the DAC had handled the situation.

In his deposition, Voyles agreed it was inappropriate to tell someone who reported to him that she was beautiful, or say, "I need you" or "I want to be with you," invite them to an office after hours after consumption of alcohol, or send love letters or gifts to their home. But he also testified he did not intend for any of his communications with Codish to have a sexual innuendo.

"My career has been destroyed," Voyles testified. "I've hurt myself and my family, I've hurt the people that employed me for 20 years, and I've had challenging feelings about all that."

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